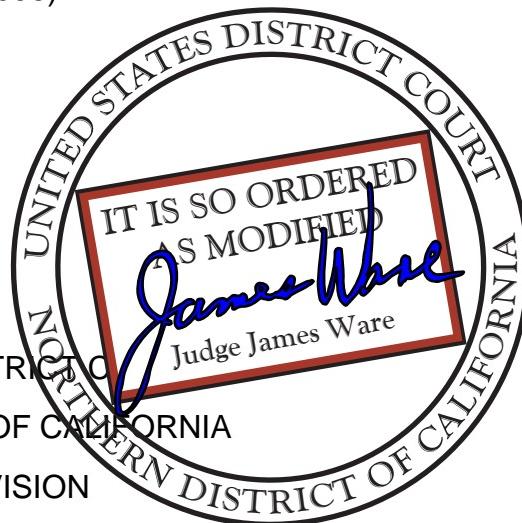


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6 Attorneys for CITY OF SAN JOSE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION



12 JUAN DIAZ, KEITH KEESLING,
13 CHRISTOPHER MURPHY, GARY
WEEKLEY, KAREN ALLEN and other
employees similarly situated,
14 and JEFFREY WELSCH, et al,

15 Plaintiffs,

16 v.

17 CITY OF SAN JOSE,

18 Defendant.

Case Number: C07-06424 JW
Case Number: C08-02132 JW

**JOINT STATUS STATEMENT
ORDER CONTINUING STATUS
CONFERENCES**

20 Pursuant to the Court's August 27, 2009 Order Vacating Preliminary Pretrial
21 Conference, the parties hereby submit the following Joint Status Statement. As this Court is
22 aware, this is a Fair Labor and Standards Act case in which the Plaintiffs are asserting,
23 based on several different theories, that Defendant City of San Jose has not paid Plaintiff
24 firefighters overtime consistent with the Fair Labor and Standards Act for the last several
25 years. The City denies these allegations.

26 After further extensive efforts to resolve the remaining differences between the
27 parties, the parties now believe they have reached a settlement agreement in principle,
28 subject to proper authorization. Over the next several weeks, the parties will endeavor to

1 finalize in writing the specific terms of the settlement, obtain proper authorization, and agree
2 to a Stipulated Judgment, as is mandated in FLSA cases.

3 In light of the current status of this case, the parties jointly request a 75 day
4 continuance of the Status Conference to allow them an opportunity to take the necessary
5 steps to have this matter finalized. Should a Stipulated Judgment be filed by the parties and
6 approved by the Court prior to the continued Status Conference, the parties ask that this
7 matter be dismissed at that time and that the Status Conference be taken off calendar.

8 Dated: October 26, 2009

RICHARD DOYLE, City Attorney

10 By: _____ /S/
11 ROBERT FABELA

Sr. Deputy City Attorney

12 Attorney for Defendant CITY OF SAN JOSE
13

14 Dated: October 26, 2009

WYLINE, McBRIDE, PLATTEN & RENNER

15 By: _____ /S/
16 CAROL L. KOENIG

17 Attorneys for Plaintiffs JUAN DIAZ, KEITH
18 KEESLING, CHRISTOPHER MURPHY,
GARY WEEKLEY and KAREN ALLEN

19 *** ORDER ***

20 The Court finds good cause to GRANT the parties a 75-day extension to finalize their Settlement
21 Agreement. Accordingly, the Court continues the Status Conference re: Settlement from November 2,
22 2009 to **February 1, 2010 at 10 a.m.** for both cases. On or before **January 22, 2010**, the parties shall
23 file a Joint Status Statement. If Stipulate Dismissals are filed on January 22, 2010, the Status
Conference will be vacated.

24 Dated: October 27, 2009


25 JAMES WARE
26 United States District Judge
27
28